

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEFFREY ACEVEDO-GOMEZ,

Plaintiff,

- against -

J.B. HUNT TRANSPORT, INC. and KOFI ADUSEI,

Defendants.
-----X

CIVIL ACTION NO.:
22-CV-01313

NOTICE OF REMOVAL

TO: SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PLEASE TAKE NOTICE that Defendant J.B. HUNT TRANSPORT, INC. and KOFI ADUSEI hereby remove the civil action entitled *Jeffrey Acevedo-Gomez v. J.B. Hunt Transport, Inc. and Kofi Adusei*, Index Number 159087/2021, from the Supreme Court of the State of New York, County of New York, where it is now pending, to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York
February 16, 2022

Yours, etc.,

GALLO VITUCCI KLAR LLP

By: 

Heather C. Ragone, Esq.
Attorneys for Defendants
J.B. HUNT TRANSPORT, INC.
and KOFI ADUSEI
90 Broad Street, Suite 1202
New York, New York 10004
(212) 683-7100
File No.: JBH.2021012

TO: PAZER EPSTEIN JAFFEE & FEIN, P.C.
Attorney for Plaintiff
Jeffrey Acevedo-Gomez
20 Vesey Street, 7th Floor
New York, New York 10007
(212) 227-1212

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEFFREY ACEVEDO-GOMEZ,

Plaintiff,

- against -

J.B. HUNT TRANSPORT, INC. and KOFI ADUSEI,

Defendants.
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CIVIL ACTION NO.:
22-CV-01313

PETITION FOR REMOVAL

TO: JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of Heather C. Ragone respectfully shows as follows:

1. That the undersigned are counsel for Defendants J.B. HUNT TRANSPORT, INC. and KOFI ADUSEI and hereby remove the civil action entitled *Jeffrey Acevedo-Gomez v. J.B. Hunt Transport, Inc. and Kofi Adusei*, Index Number 159087/2021, which is currently pending in the Supreme Court of the State of New York, County of New York to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

2. This action was commenced by the filing of a Summons and Complaint on or about October 7, 2021. Issue was joined by the service of an Answer on behalf of Defendants on or about January 31, 2022. On February 8, 2022 a Supplemental Summons and Amended Complaint was filed. Copies of the Summons and Complaint, Answer and Supplemental Summons and Amended Complaint are collectively annexed hereto as Exhibit “A”.

3. That the cause of action as set forth in the Complaint seeks money damages for personal injuries. That on February 7, 2022, Plaintiffs verified – for the first time – that the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000) (Exhibit “C”).

4. In the Complaint, Plaintiffs seek to recover damages resulting from an alleged accident that took place on March 27, 2021 on the intersection of West 50th Street and Eighth Avenue, New York, New York in the County and State of New York (Exhibit “A”).

5. Plaintiff Jeffrey Acevedo-Gomez is a natural person who is a resident and citizen of the County of New York, State of New York.

6. Defendant J.B. Hunt Transport, Inc. is an Arizona corporation with its principal place of business located in Lowell, Arizona.

7. Defendant Kofi Adusei is a natural person who resides in Kent County, Delaware.

8. Plaintiffs Summons and Complaint did not contain a statement of damages, pursuant to N.Y. C.P.L.R. § 3017. Accordingly, the thirty day deadline did not begin upon the filing of the Complaint. See 28 U.S.C. §1446(b)(3).

9. On January 6, 2022, Defendants served Plaintiffs with multiple discovery demands including a demand for Bill of Particulars, which demands among other things, Plaintiff’s past and future economic and non-economic damages, as well as a demand for a statement of damages pursuant to N.Y. C.P.L.R. § 3017. See Exhibit “B”.

10. On February 7, 2022 Plaintiffs served a response to Defendants’ Demand for Statement of Damages in which they claim damages in excess of \$75,000. See Plaintiffs’ Response to Demand for Statement of Damages, annexed hereto as Exhibit “C”.

11. That this action may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(c) since Plaintiffs’ action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs and is between citizens of different states.

12. As the residence amongst the Defendants and the Plaintiffs establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of

costs and interest, Defendants respectfully remove this action from the Supreme Court of the State of New York, County of New York to the United States District Court for the Eastern District of New York.

WHEREFORE, Defendants respectfully request that the action now pending against them in the Supreme Court of the State of New York, County of Queens be removed therefrom to this Court.

Dated: New York, New York
February 16, 2022

Yours, etc.,

GALLO VITUCCI KLAR LLP

By: 

Heather C. Ragone, Esq.
Attorneys for Defendants
J.B. HUNT TRANSPORT INC.
and KOFI ADUSEI
90 Broad Street, Suite 1202
New York, New York 10004
(212) 683-7100
File No.: JBH.2021012

TO: PAZER EPSTEIN JAFFEE & FEIN, P.C.
Attorney for Plaintiff
Jeffrey Acevedo-Gomez
20 Vesey Street, 7th Floor
New York, New York 10007
(212) 227-1212

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JEFFREY ACEVEDO-GOMEZ,

Plaintiff,

- against -

J.B. HUNT TRANSPORT, INC. and KOFI ADUSEI,

Defendants.
-----X

CIVIL ACTION NO.:
22-CV-01313

VERIFICATION

Heather C. Ragone, being duly sworn according to law, deposes and says:

That I am counsel for Defendants, J.B. HUNT TRANSPORT, INC. and KOFI ADUSEI,
the within named Defendants/Petitioners; that I have read the foregoing Petition for Removal; and
that the statements contained therein are true in substance and to my knowledge.



HEATHER C. RAGONE (8757)

Sworn to before me this
16th day of February, 2022



Notary Public

<p>Claudette Garraud Commissioner of Deeds – City of New York No. 2-13167 Cert. Filed in New York County Commission Expires November 1, 2023</p>
